

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 23. DEPARTMENT OF HEALTH SERVICES ORAL HEALTH

[R06-289]

PREAMBLE

1. Register citation and dates for the original Notice of Rulemaking Docket Opening and Notice of Proposed Rulemaking:

Notice of Rulemaking Docket Opening: 11 A.A.R. 3183, August 19, 2005

Notice of Proposed Rulemaking: 12 A.A.R. 1074, April 7, 2006

2. Sections Affected

Rulemaking Action

R9-23-101	Amend
Article 2	New Article
R9-23-201	New Section
R9-23-202	New Section
R9-23-203	New Section
R9-23-204	New Section
R9-23-301	New Section
R9-23-302	New Section
R9-23-303	New Section
R9-23-304	New Section
R9-23-305	New Section

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 36-136(A)(7) and 36-136(F)

Implementing statute: A.R.S. §§ 36-104(1)(c) and 36-132(A)(10)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Joyce Flieger, RDH, M.P.H.
Chief, Office of Oral Health

Address: Department of Health Services
1740 W. Adams St., Suite 205
Phoenix, AZ 85007

Telephone: (602) 542-1866

Fax: (602) 542-2936

E-mail: fliegej@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 W. Adams St., Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

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Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

A.R.S. § 36-104 requires the Director to administer community health services including dental care prevention. A.R.S. § 36-132(A)(10) requires the Department to encourage, administer and provide dental health care services and aid in coordinating local programs concerning dental public health, in cooperation with the Arizona dental association. The purpose of this rulemaking is to amend the rules for oral health in A.A.C. Title 9, Chapter 23, Article 1 and Article 3. In the proposed rules, the Department is amending Article 1 and 3 and adding a new Article to the Chapter. The Department is amending the definitions in Article 1 to reflect the changes made in the Chapter. The new Article 2 contains the eligibility requirements, the application process, and the approval criteria for the Arizona Dental Sealant Program. The Department is amending Article 3 to include the eligibility requirements, the application process, and the approval criteria for the Arizona Fluoride Mouthrinse Program. The proposed rules will conform to current statutory authority, rulemaking format and style requirements, industry practice, and departmental policy.

6. An explanation of the substantial change that resulted in this supplemental notice:

Arizona Dental Sealant Program

After the Notice of Proposed Rulemaking was published, the Department determined that the language in R9-23-201 did not reflect the eligibility determination process for the Arizona Dental Sealant Program or the Arizona Fluoride Mouthrinse Program. Furthermore, the Department received one comment from the public before the close of record. Lewis and Roca, LLP, on behalf of the Delta Dental Plan of Arizona (Delta Dental), voiced concern that the eligibility requirement that only allowed schools with 65% or more of its children participating in the National School Lunch Program to participate in the Arizona Dental Sealant Program was too high of a percentage. The Department determines which schools are eligible to participate in the Arizona Dental Sealant Program based on the percentage of children at the school participating in the National School Lunch Program with a school with a higher percentage eligible before a school with a lower percentage. After making this determination, the Department notifies the school it is eligible to participate and includes an application with the written notification.

In the proposed rules, the percentage was 65% as a minimum for a school to be eligible to participate. The Department recognizes that funding could remain after all the schools with 65% or schools that have a higher percentage have received dental sealants. The Department wants the flexibility to be able to spend the remaining funds by allowing schools with lower percentage to be eligible to participate. Therefore, the Department has revised R9-23-201 to reflect these changes. The Department has also added definitions for "dental sealant services" and "dental care" in R9-23-101 as part of the revisions to R9-23-201. The Department has revised the definitions for "dental sealant" and "National School Lunch Program".

R9-23-201 as originally proposed stated:

R9-23-201. ~~Expired~~ Eligibility Requirements

A school is eligible to apply to participate in the Arizona Dental Sealant Program if:

1. At least 65% of the children attending the school participate in the National School Lunch Program, and
2. The school has at least 25 children in second and sixth grades combined.

In the supplemental proposed rules, R9-23-201 now states:

R9-23-201. ~~Expired~~ Eligibility Requirements

A. The Department provides dental sealant services to schools based on the availability of funds in the oral health fund established by A.R.S. § 36-138.

B. The Department shall:

1. Send written notification to a school that the school is eligible to apply to participate if at least 65% of the children attending the school participate in the National School Lunch Program, and
2. Provide the school an application for the Arizona Dental Sealant Program.

C. If funds are still available after the Department has provided dental sealant services to the schools that were approved to participate under R9-23-203, the Department may allow a school with less than 65% of the children attending the school participating in the National School Lunch Program to apply to participate in the Arizona Dental Sealant Program.

Additionally, the Department has revised R9-23-203. The Department has revised the title to R9-23-203 and added "for Participation" to the title. And the Department has deleted R9-23-203(B) and added to the list of approval criteria in R9-23-203(A).

R9-23-203 as originally proposed stated:

R9-23-203. ~~Expired~~ Approval Criteria

A. The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Dental Sealant Program:

1. The amount of funding available to the Department for the Arizona Dental Sealant Program;

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2. The percentage of children enrolled in the school participating in the National School Lunch Program; and
 3. When the Department received the application.
- B.** If additional funding becomes available, the Department shall continue to approve participation in the Arizona Dental Sealant Program based on the criteria in subsection (A).

In the supplemental proposed rules, R9-23-203 now states:

R9-23-203. ~~Expired~~ Approval Criteria for Participation

The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Dental Sealant Program:

1. The percentage of children enrolled in the school participating in the National School Lunch Program with a school with a higher percentage receiving higher priority for approval than a school with a lower percentage;
2. The number of children attending second and sixth grades with the school with more children receiving higher priority than a school with a lower number of children; and
3. The date the Department received the application.

Arizona Fluoride Mouthrinse Program

The Arizona Fluoride Mouthrinse Program has an eligibility determination process that is similar to the Arizona Dental Sealant Program. The Department determines which schools are eligible to participate in the Arizona Fluoride Mouthrinse Program based on the percentage of children at the school participating in the National School Lunch Program with a school with a higher percentage eligible before a school with a lower percentage and the children attending the school live in a community whose water does not contain 0.7 to 1.2 parts of fluoride per million of water. After making this determination, the Department notifies the school it is eligible to participate and includes an application with the written notification.

In the proposed rules, the percentage was 50% as a minimum for a school to be eligible to participate. The Department recognizes that funding could remain after all the schools with 50% or schools with a higher percentage have received fluoride mouthrinse. The Department wants the flexibility to be able to spend the remaining funds by allowing schools with a lower percentage to be eligible to participate. Therefore, the Department has revised R9-23-301 to reflect these changes.

R9-23-301 as originally proposed stated:

R9-23-301. ~~Expired~~ Eligibility Requirements

A school is eligible to apply to participate in the Arizona Fluoride Mouthrinse Program if:

1. At least 50% of the children attending the school participate in the National School Lunch Program, and
2. The children attending the school live in a community whose water does not contain 0.7 to 1.2 parts of fluoride per million of water.

In the supplemental proposed rules, R9-23-301 now states:

R9-23-301. ~~Expired~~ Eligibility Requirements

- A.** The Department provides fluoride mouthrinse to schools based on the availability of funds in the oral health fund established by A.R.S. § 36-138.
- B.** The Department shall:
1. Send written notification to a school that the school is eligible to apply to participate if:
 - a. At least 50% of the children attending the school participate in the National School Lunch Program, and
 - b. The children attending the school live in a community whose water does not contain 0.7 to 1.2 parts of fluoride per million of water, and
 2. Provide the school an application for the Arizona Fluoride Mouthrinse Program.
- C.** If funds are still available after the Department has provided fluoride mouthrinse to the schools that were approved to participate under R9-23-303, the Department may allow a school with less than 50% of the children attending the school participating in the National School Lunch Program to apply to participate in the Arizona Fluoride Mouthrinse Program.

Additionally, the Department has revised the date the Department begins accepting applications.

R9-23-302(B) originally proposed stated:

- B.** The Department accepts applications beginning on February 15 and ending on March 15 for the next school year.

In the supplemental rules, R9-23-302(B) now states:

- B.** The Department accepts applications beginning on March 1 for the next school year.

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The Department has revised R9-23-303. The Department has revised the title to R9-23-203 and added “for Participation” to the title. And the Department has added another item to the list of approval criteria. R9-23-303 originally proposed stated:

R9-23-303. ~~Expired Approval Criteria~~

The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Fluoride Mouthrinse Program:

1. The amount of funding available to the Department for the Arizona Fluoride Mouthrinse Program;
2. The percentage of children enrolled at the school participating in the National School Lunch Program;
3. Whether the school participated in the Arizona Fluoride Mouthrinse Program during the previous school year; and
4. If the school did participate, whether the school complied with R9-23-305.

In the supplemental proposed rules, R9-23-303 now states:

R9-23-303. ~~Expired Approval Criteria for Participation~~

The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Fluoride Mouthrinse Program:

1. The percentage of children enrolled at the school participating in the National School Lunch Program with a school with a higher percentage receiving higher priority for approval than a school with a lower percentage.
2. Whether the school participated in the Arizona Fluoride Mouthrinse Program during the previous school year.
3. If the school did participate, whether the school complied with R9-23-305, and
4. The date the Department received the application.

The Department has revised R9-23-305. Subsections (B) and (C) as originally proposed stated:

- B.** In addition to the requirements in R9-23-304, if a participating school does not submit a program evaluation, the school cannot continue to participate in the Arizona Fluoride Mouthrinse Program.
- C.** The Department may not allow a school to continue to participate in the Arizona Fluoride Mouthrinse Program if:
1. Less than 70% of the children attending the school participated in the Arizona Fluoride Mouthrinse Program, or
 2. The Arizona Fluoride Mouthrinse Program was administered at the school for less than eight months.

The Department has combined subsections (B) and (C) into subsection (B). In the supplemental proposed rules, R9-23-305(B) now states:

- B.** In addition to the requirements in R9-23-304, the Department may discontinue participation in the Arizona Fluoride Mouthrinse Program if:
1. A participating school does not submit a program evaluation,
 2. Less than 70% of the children attending the school participated in the Arizona Fluoride Mouthrinse Program, or
 3. The Arizona Fluoride Mouthrinse Program was administered at the school for less than eight months.

The Department has revised R9-23-305(D). R9-23-305(D) originally proposed stated:

- D.** At the end of the third year of participation, if a school wants to participate in the Arizona Fluoride Mouthrinse Program for another three years, the school shall apply to participate according to the requirements in R9-23-302.

However, because of the revision of R9-23-305(C) and (D) into R9-23-305(B), R9-23-305(D) is now R9-23-305(C) and in the supplemental proposed rules, R9-23-305(C) now states:

- C.** At the end of the third year of participation, if a school wishes to continue participation in the Arizona Fluoride Mouthrinse Program, the school shall apply to participate according to the requirements in R9-23-302.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A.R.S. § 36-104 requires the Director to administer community health services including dental care prevention. A.R.S. § 36-132(A)(10) requires the Department to encourage, administer and provide dental health care services and aid in coordinating local programs concerning dental public health, in cooperation with the Arizona dental association.

The purpose of this rulemaking is to amend the rules for oral health in A.A.C. Title 9, Chapter 23, Article 1 and Article 3. In the rules, the Department is amending Articles 1 and 3 and adding a new Article to the Chapter. The Department is amending the definitions in Article 1 to reflect the changes made in the Chapter. The new Article 2 contains

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the rules for the Arizona Dental Sealant Program. The Department is amending Article 3 to include the rules for the Arizona Fluoride Mouthrinse Program. The rules will conform to current statutory authority, rulemaking format and style requirements, industry practice, and departmental policy.

Annual cost/revenues are designated as minimal when less than \$1,000.00, moderate when between \$1,000.00 and \$10,000.00, and substantial when greater than \$10,000.00.

Currently, the Department is providing dental health care services to Arizona's low-income school children through the Arizona Dental Sealant Program and the Arizona Fluoride Mouthrinse Program. The Arizona Dental Sealant Program is a school-based program that provides eligible children with dental sealants for their permanent molars to help prevent tooth decay. During the 2004-2005 school year, the Department provided an estimated 7134 students with dental sealants at 126 participating schools. The Arizona Fluoride Mouthrinse Program is a school-based program that provides fluoride mouthrinse to eligible children to help prevent tooth decay. During the 2004-1005 school year, the Department provided fluoride mouthrinse to 70 schools and an estimated 21,444 students used the fluoride mouthrinse.

The rules are consistent with the Department's current practices and are expected to have a minimal impact on a school participating in the dental health care services programs provided by the Department. The Department will bear moderate costs for promulgating and enforcing the rules. Costs for promulgating the rules include staff time to write, review, and direct the rules through the rulemaking process. The cost to the Department to implement the rules will be substantial. During the 2004-2005 school year, the Department used approximately \$350,000.00 from the Maternal and Child Health Block Grant (MCH) and reimbursement from the Arizona Health Care Cost Containment System (AHCCCS) to fund the Arizona Dental Sealant Program and the Arizona Fluoride Mouthrinse Program. However, the Department is currently funding the Arizona Dental Sealant Program and the Arizona Fluoride Mouthrinse Program so the cost to implement the rules is minimal.

The proposed rules benefit any person receiving dental health care services from the Department by providing clarity in the eligibility and application requirements and ensuring that the Department processes applications in a fair, consistent, and timely manner. The amended rules conform to current statutory authority, rulemaking format and style requirements, industry practice, and departmental policy.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Joyce Flieger, RDH, M.P.H.
Chief, Office of Oral Health

Address: Department of Health Services
1740 W. Adams St., Suite 205
Phoenix, AZ 85007

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Or

Name: Kathleen Phillips, Rules Administrator

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1740 W. Adams St., Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: September 18, 2006

Time: 10:00 a.m.

Location: Department of Health Services
1740 W. Adams St., Room 204
Phoenix, AZ 85007

A person may submit written comments on the proposed rules no later than 4:00 p.m., September 18, 2006, to the individuals listed in items #4 and #9. Persons with disability may request reasonable accommodations by contacting Maria Herbert at herberm@azdhs.gov or (602) 364-0912. Requests should be made as early as possible to allow sufficient time to arrange for the accommodation.

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11. Any other matters prescribed by statute that are applicable to the specific agency or any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the changes follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 23. DEPARTMENT OF HEALTH SERVICES
ORAL HEALTH**

ARTICLE 1. DEFINITIONS

Section

R9-23-101. Definitions

**ARTICLE 2. ~~STANDARDS FOR THE PROVISION OF ORAL HEALTH SERVICES~~ ARIZONA DENTAL SEAL-
ANT PROGRAM**

Section

R9-23-201. ~~Expired~~ Eligibility Requirements

R9-23-202. ~~Expired~~ Application Process

R9-23-203. ~~Expired~~ Approval Criteria for Participation

R9-23-204. Participation Requirements

ARTICLE 3. ~~ORAL HEALTH SERVICES~~ ARIZONA FLUORIDE MOUTHRINSE PROGRAM

Section

R9-23-301. ~~Expired~~ Eligibility Requirements

R9-23-302. ~~Eligibility~~ Application Process

R9-23-303. ~~Expired~~ Approval Criteria for Participation

R9-23-304. ~~Expired~~ Participation Requirements

R9-23-305. ~~Expired~~ Continuing Participation

ARTICLE 1. DEFINITIONS

R9-23-101. Definitions

In this Chapter, unless the context otherwise requires:

1. “Amalgam” means a combination of silver alloy and mercury used for dental restorations.
2. “Bitewing radiograph” means an x-ray film designed to show the crowns of the upper and lower posterior teeth simultaneously.
3. “Board eligible” means a dentist who has successfully completed an approved training program in a specialty field recognized by the American Dental Association.
4. “Caries” means areas of decay in or on a tooth.
5. “Chief executive officer” means the person who has the authority and responsibility for the operation of a prepaid dental plan organization in accordance with the applicable legal requirements and policies approved by the governing authority.
1. “Child” means an individual who is:
 - a. 18 years of age or less, or
 - b. More than 18 years of age and attending school.
6. “Composite” means a mixture of a filler, usually quartz, ceramic, or glass particles, and a resin blend used for dental restorations.
2. “Contact person” means an individual acting on behalf of a school.
7. “Contracting agency” means a governmental or nonprofit organization that has contracted with the OOH to provide clinical and/or administrative services.
8. “Copal base” means a liquid resin placed under a restoration to insulate the pulpal tissue.

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9. "Dental facility" means a dental health clinic or institutional department staffed by licensed dentists or licensed dental hygienists, or both.
3. "Dental care" means oral health prevention, maintenance, and treatment of diseases, injury, or other dental conditions.
4. "Dental hygienist" means an individual licensed under A.R.S. Title 32, Chapter 11, Article 4.
10. "Dental sealant" means a thin plastic coating applied to the chewing surfaces of premolar or molar teeth which fills the pits and grooves of a tooth and prevents the trapping of food debris.
5. "Dental sealant" means a coating of dental material applied to a tooth.
11. "Dentate" means with teeth.
12. "Dentist" means a person who is licensed to practice dentistry under the provisions of A.R.S. § 32-1201 et seq.
6. "Dental sealant services" means activities related to the application of a dental sealant by a dentist or dental hygienist, including dental care provided to the child.
7. "Dentist" means an individual licensed under A.R.S. Title 32, Chapter 11, Article 2.
13. "Dentition" means the type, number, and arrangement of teeth.
14. "Dentures" means a partial or complete set of false teeth designed to simulate the patient's natural dentition.
15. 8. "Department" means the Arizona Department of Health Services.
16. "Diagnostic services" means those dental services necessary to identify dental abnormalities, including radiographs and clinical examinations.
17. "Director of an organized educational setting" means the person responsible for the overall management of the facility.
18. "Emergency services" means those dental services necessary to control bleeding, relieve pain, including local anesthesia, or eliminate acute infection. Medications that may be prescribed by the dentist, but must be obtained through a pharmacy, are excluded.
19. "Endodontics" means dental services related to the pulp of a tooth.
20. "Extraoral" means outside of the mouth.
21. "Fluoride" means a chemical compound, usually sodium fluoride or acidulated phosphate fluoride, applied topically or as a mouth rinse.
22. "General dentist" means a dentist licensed under the provisions of A.R.S. § 32-1201 et seq. whose practice is not limited to a specific area and who is not certified by a specialty board recognized by the American Dental Association.
23. "Gingival tissue" means intraoral soft tissue commonly referred to as the gums.
24. "Governing authority" means the person or body, including a board of trustees or board of directors, in whom the ultimate authority and responsibility for the direction of a prepaid dental plan organization is vested.
25. "Hamular notch" means the area behind the upper back molar.
26. "Hygienist" means a person who is licensed to practice dental hygiene under the provisions of A.R.S. § 32-1281 et seq.
27. "Intraoral" means inside the mouth.
28. "Mandibular" means associated with the lower jaw.
29. "Maxillary" means associated with the upper jaw.
30. "Mobile Dental Unit" or "MDU" means a self-contained dental operatory housed in a movable trailer owned by the Department.
31. "Mucobuccal fold" means the space between the cheek and teeth.
9. "National School Lunch Program" means the federally funded assisted meal program as established in 7 CFR 210.1 (2004).
32. "Occlusion" means the manner in which the upper and lower teeth fit together when the mouth is completely closed.
33. "Office of Oral Health" or "OOH" means the office within the Department responsible for oral health services.
34. "Operative dentistry" means the use of dental amalgam, dental permanent cement, composite and noncomposite resin materials, cast alloy restorations, stainless steel and aluminum crowns, and various temporary and intermediate materials usually classified as cements to maintain a functional dentition.
35. "Operatory" means the patient chair and attached or related equipment used to deliver dental services.
36. "Organization" means a prepaid dental plan organization as defined in A.R.S. § 20-1001.
37. "Organized educational setting" means any facility providing supervised instructional care or services for children less than 21 years of age.
38. "Panographic radiograph" means an x-ray that shows all of the teeth and related structures on 1 film.
10. "Parent" has the same meaning as in A.R.S. § 15-101(14).
39. "Patient" means a person who is being attended by a dentist or dental hygienist to receive an examination, diagnosis, or dental treatment, or a combination of an examination, diagnosis, and dental treatment.
40. "Periapical" means a full view of an individual tooth, including the area under the gum line and around the root of the tooth.
41. "Portable dental equipment" means operatory equipment that can be transported by automobile and set up in a public area or private residence.

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- 42. ~~“Postdam” means a ridge built into a maxillary denture which touches the posterior soft tissue of the roof of the mouth.~~
- 43. ~~“Posterior flange” means that part of a denture that extends into the space between the tongue and the mandibular jawbone or the cheek and maxillary jawbone.~~
- 44. ~~“Preventive services” means dental care intended to maintain dental health and prevent dental disease, including any combination of oral hygiene education, professional prophylaxis, application of fluorides, and a viable system of recall or follow-up.~~
- 45. ~~“Professional prophylaxis” means cleaning the teeth with mild abrasives and dental equipment.~~
- 46. ~~“Pulpal” means the soft living tissue that fills the central cavity of a tooth.~~
- 47. ~~“Radiograph” means a picture produced on a sensitive surface by a form of radiation other than light, including x-ray photographs.~~
- 48. ~~“Representative sample” means a part of a population or subset from a set of units selected to investigate the properties of the population or the set.~~
- 49. ~~“Restoration” means treatment that returns a patient to a functional level of dental health, including treatment of the pulpal tissues and gingival tissues, the use of metal and plastic fillings, and the use of removable partial and complete dentures.~~
- 50. ~~“Saddle area” means that portion of a partial denture which covers the bone where posterior teeth from either the upper or lower jaw have been removed.~~
- 11. “School” means:
 - a. A school as defined in A.R.S. § 15-101(19), and
 - b. A charter school as defined in A.R.S. § 15-101(3).
- 12. “School year” means the period between July 1 and the following June 30.
- 51. ~~“Specialist” means a dentist whose practice is limited to a specified area and who is recognized by the appropriate specialty board of the Commission on Accreditation of Dental Education of the American Dental Association as board eligible or board certified.~~
- 52. ~~“Therapeutic services” means basic dental services provided by a general dentist including pulp therapy for permanent and primary teeth exclusive of root canal therapy, restoration of carious permanent and primary teeth with materials other than cast restorations, and routine extractions.~~
- 53. ~~“Treatment plan” means a statement of the services to be performed for the patient.~~

ARTICLE 2. ~~STANDARDS FOR THE PROVISION OF ORAL HEALTH SERVICES~~ ARIZONA DENTAL SEALANT PROGRAM

R9-23-201. ~~Expired Eligibility Requirements~~

- A.** The Department provides dental sealant services to schools based on the availability of funds in the oral health fund established by A.R.S. § 36-138.
- B.** The Department shall:
 - 1. Send written notification to a school that the school is eligible to apply to participate if at least 65% of the children attending the school participate in the National School Lunch Program, and
 - 2. Provide the school an application for the Arizona Dental Sealant Program.
- C.** If funds are still available after the Department has provided dental sealant services to the schools that were approved to participate under R9-23-203, the Department may allow a school with less than 65% of the children attending the school participating in the National School Lunch Program to apply to participate in the Arizona Dental Sealant Program.

R9-23-202. ~~Expired Application Process~~

- A.** For an eligible school to participate in the Arizona Dental Sealant Program, a contact person shall submit a completed application form provided by the Department to the Department that contains:
 - 1. The contact person’s name, title, telephone number, fax number, and if applicable, e-mail address;
 - 2. The school’s name, street address, and telephone number;
 - 3. The school’s mailing address if different than the school’s street address;
 - 4. The name of the school district and county where the school is located;
 - 5. The percentage of children attending the school that participated in the National School Lunch Program during the current school year; and
 - 6. The number of children attending second and sixth grades.
- B.** The Department accepts applications beginning on April 1 for the next school year.

R9-23-203. ~~Expired Approval Criteria for Participation~~

The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Dental Sealant Program:

- 1. The percentage of children enrolled in the school participating in the National School Lunch Program with a school

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- with a higher percentage receiving higher priority for approval than a school with a lower percentage;
2. The number of children attending second and sixth grades with the school with more children receiving higher priority than a school with a lower number of children; and
 3. The date the Department received the application.

R9-23-204. Participation Requirements

The contact person for a participating school shall ensure that each child participating in the Arizona Dental Sealant Program has a parental consent form provided by the Department that includes:

1. The child's name, and
2. A parent's signature indicating permission to participate in the Arizona Dental Sealant Program.

ARTICLE 3. ~~ORAL HEALTH SERVICES~~ ARIZONA FLUORIDE MOUTHRINSE PROGRAM

R9-23-301. ~~Expired~~ Eligibility Requirements

- A.** The Department provides fluoride mouthrinse to schools based on the availability of funds in the oral health fund established by A.R.S. § 36-138.
- B.** The Department shall:
1. Send written notification to a school that the school is eligible to apply to participate if:
 - a. At least 50% of the children attending the school participate in the National School Lunch Program.
 - b. The children attending the school live in a community whose water does not contain 0.7 to 1.2 parts of fluoride per million of water, and
 2. Provide the school an application for the Arizona Fluoride Mouthrinse Program.
- C.** If funds are still available after the Department has provided fluoride mouthrinse to the schools that were approved to participate under R9-23-303, the Department may allow a school with less than 50% of the children attending the school participating in the National School Lunch Program to apply to participate in the Arizona Fluoride Mouthrinse Program.

R9-23-302. ~~Eligibility~~ Application Process

The following individuals shall be eligible for dental health services:-

1. ~~Children who are eligible for the federal free or reduced school lunch program;~~
 2. ~~Persons who are eligible for federal, state, or a combination of federal and state nutrition programs; or~~
 3. ~~Persons whose income is at or below 133% of the federal poverty guideline or who are eligible Medicaid recipients but:-~~
 - a. ~~Do not have access to dental care, or~~
 - b. ~~Whose physical or mental impairment precludes them from receiving dental services through the private dental sector.~~
- A.** For an eligible school to participate in the Arizona Fluoride Mouthrinse Program for three years, a contact person shall submit a completed application form provided by the Department to the Department that contains:
1. The contact person's name, title, telephone number, fax number, and if applicable, e-mail address;
 2. The school's name, street address, mailing address, and telephone number;
 3. The name of the school district and county where the school is located;
 4. The grades in the school that will participate in the Arizona Fluoride Mouthrinse Program during the next school year;
 5. The anticipated number of children that will participate in the Arizona Fluoride Mouthrinse Program during the next school year;
 6. The percentage of children attending the school that participate in the National School Lunch Program during the current school year; and
 7. The flavor and amount of fluoride mouthrinse needed.
- B.** The Department accepts applications beginning on March 1 for the next school year.

R9-23-303. ~~Expired~~ Approval Criteria for Participation

The Department uses the following criteria when determining whether to approve a school for participation in the Arizona Fluoride Mouthrinse Program:

1. The percentage of children enrolled at the school participating in the National School Lunch Program with a school with a higher percentage receiving higher priority for approval than a school with a lower percentage.
2. Whether the school participated in the Arizona Fluoride Mouthrinse Program during the previous school year.
3. If the school did participate, whether the school complied with R9-23-305, and
4. The date the Department received the application.

R9-23-304. ~~Expired~~ Participation Requirements

The contact person for a participating school shall:

1. Ensure that each child participating in the Arizona Fluoride Mouthrinse Program has a parental consent form pro-

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vided by the Department that includes:

- a. The child's name, age, and grade;
 - b. The school's name;
 - c. The name of the child's teacher;
 - d. A parent's signature indicating permission to participate in the Arizona Fluoride Mouthrinse Program; and
 - e. The date the parent signed;
2. Request fluoride mouthrinse; and
 3. Maintain the school's records of a child's participation in the Arizona Fluoride Mouthrinse Program for a child as long as the child is attending the school.

R9-23-305. ~~Expired~~ Continuing Participation

- A.** By March 15 in each year of participation, the contact person for a participating school shall submit a written program evaluation on a form provided by the Department to the Department that includes:
1. The contact person's name, title, address, telephone number, fax number, and if applicable, e-mail address;
 2. The school's name, street address, mailing address, and telephone number;
 3. The name of the school district and county where the school is located;
 4. The number of the years the school has participated in the Arizona Fluoride Mouthrinse Program;
 5. The percentage of children attending the school that participate in the National School Lunch Program during the current school year;
 6. The grades in the school that participated in the Arizona Fluoride Mouthrinse Program;
 7. The grades in the school that will participate in the Arizona Fluoride Mouthrinse Program during the next school year;
 8. The number of children that participate in the Arizona Fluoride Mouthrinse Program during the current school year;
 9. The estimated number of children that will participate in the Arizona Fluoride Mouthrinse Program during the next school year;
 10. The number of packets or boxes of fluoride mouthrinse unused at the end of the current school year, if applicable;
 11. The number of packets or boxes of fluoride mouthrinse needed for the next school year; and
 12. The flavor of fluoride mouthrinse.
- B.** In addition to the requirements in R9-23-304, the Department may discontinue participation in the Arizona Fluoride Mouthrinse Program if:
1. A participating school does not submit a program evaluation.
 2. Less than 70% of the children attending the school participated in the Arizona Fluoride Mouthrinse Program, or
 3. The Arizona Fluoride Mouthrinse Program was administered at the school for less than eight months.
- C.** At the end of the third year of participation, if a school wishes to continue participation in the Arizona Fluoride Mouthrinse Program, the school shall apply to participate according to the requirements in R9-23-302.